

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED**JUL 30 1993**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Replacement of Part 90 by Part 88)
to Revise the Private Land Mobile)
Radio Services and Modify the)
Policies Governing Them)PR Docket No. 92-235

To: The Commission

REPLY COMMENTS OF THE
MONTANA POWER COMPANY

The Montana Power Company, sometimes hereinafter referred to as "MPC" or the "Company", by its attorney, and pursuant to Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("Commission" or "FCC"), hereby respectfully submits these Reply Comments in response to the Notice of Proposed Rule Making ("Notice") adopted in the above-captioned proceeding.^{1/} The date for filing these Reply Comments was subsequently extended to July 30, 1993.^{2/}

^{1/} Notice of Proposed Rule Making (FCC 92-469), released November 6, 1992, 7 FCC Rcd 8105 (1992).

^{2/} Order Extending Reply Comment Period, PR Docket No. 92-235, (DA 93-800), released July 2, 1993.

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I. PRELIMINARY STATEMENT

1. MPC is an investor-owned utility providing electric and gas service to over 360,000 customers in the state of Montana. In its Comments submitted in this proceeding, MPC emphasized that, as an investor-owned utility, the Company receives no subsidies for the assumption of its responsibilities to its relatively small number of ratepayers. Consequently, MPC described the

Though the Company continues to support the LMCC Plan,^{3/} MPC wishes to use the Reply Comment opportunity presented here to review the Comments submitted by other parties to this proceeding who, like MPC, are tasked with critical public service responsibilities for rural areas. As MPC amply demonstrated in its Comments, the severe terrain of Montana requires the Company to essentially operate on a "razor-thin" communications margin. Any further degradations, such as those that would be imposed by the refarming item's proposals for reducing transmitter power and antenna height, would be intolerable.

II. REPLY COMMENTS

3. MPC notes that a broad spectrum of private land mobile radio entities shared its profound concern with the Notice's HAAT/ERP restrictions. From major trade associations, to utilities, to manufacturers, the HAAT/ERP restrictions were opposed by many parties.^{4/} Reiterating

^{3/} MPC notes with favor the proposed revisions to LMCC's Plan suggested by the Utilities Telecommunications Council (UTC) in its Comments. UTC recommends that systems located beyond 100 miles from any of the top 100 urban areas be allowed to operate at 25 kHz on a primary basis indefinitely.

^{4/} Association of American Railroads at 36-38; Motorola at 29-32; American Automobile Association at 15-18; Associated
(continued...)

MPC's concerns, these parties noted that: (a) the Commission's spectrum efficiency concerns would be gutted because entities which are forced to reduce HAAT or ERP will erect additional transmitters to operate at the reduced levels to meet their geographic coverage needs; (b) the cost of new transmitter site construction is extremely high and the logistics are often impossible to overcome; (c) the restrictions constitute an overwhelming burden on entities which provide critical public safety services; and (d) solutions that are appropriate for urban areas are needlessly imposed on uncongested rural areas.

4. MPC suggests that the Commission review the Comments of the state of Montana, which "conservatively estimates" that comparable coverage under the proposed HAAT/ERP restrictions would require five times as many mobile relays to cover the same terrain for the same number of mobile units.^{5/} Montana goes on to note that the proposed transmitter deviation reductions will limit the range of existing systems, reduce audio output power, and

^{4/} (...continued)

Public-Safety Communications Officers at 8; National Association of Business and Educational Radio at 26; Utilities Telecommunications Council at 40; Southern California Edison at 8-9; and Southern California Gas at 21-22.

^{5/} State of Montana at 3.

jeopardize state-wide public safety paging systems.^{6/}
Recognizing these severe terrain coverage and system
viability issues, the State of Alaska requested that the
Commission exempt the State from mandatory transition to the
Commission's Phase I 10 kHz/12.5 kHz standard.^{7/} The Oregon
State Police note the virtual impossibility of developing
new transmitter sites on ecologically sensitive state and
Federal forest lands given the current high level of

responsibilities. Notwithstanding that it may not be a licensee in the Public Safety radio services, the Company noted in its Comments its critical public safety responsibilities -- responsibilities that extend not only to the public at large, but also to Company employees who work on natural gas facilities (exploration, production, transmission and distribution) and on electric facilities (generation, transmission and distribution), and for whom the Company's private land mobile radio and paging system is a virtual lifeline.

6. In this regard, MPC favorably notes UTC's position that utility telecommunications systems are generally more critical than other non-commercial licensees and thus should have priority access to spectrum. UTC urges the creation of a "Public Service Industrial Radio Service Pool."^{10/} The Industrial Telecommunications Association and others recognize that certain critical safety factors demand the creation of highly-reliable telecommunications services.^{11/}

7. The creation of such an additional pool recognizing the unique needs of utilities and other

^{10/} UTC at 9.

^{11/} See, Coalition at 13-14; Coastal at 5; Joint Commentors at 22; NABER at 25-26; UTC at 9-10; E.F. Johnson at 18.

similarly situated public service providers, would allow the Commission to efficiently revise those aspects of its refarming proposal that most severely compromise operational integrity for licensees such as MPC.

WHEREFORE, THE PREMISES CONSIDERED, the Montana Power Company hereby respectfully submits the foregoing Comments and urges that the Federal Communications Commission act in a manner fully responsive to the recommendations therein.

Respectfully submitted,

THE MONTANA POWER COMPANY

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